

MEETINGS TO DATE 3  
NO. OF REGULARS 3  
NO. OF SPECIALS 0

LANCASTER, NEW YORK  
FEBRUARY 2, 1987

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 2nd day of February 1987, at 8:00 P.M. and there were

PRESENT: RONALD A. CZAPLA, COUNCILMAN  
ROBERT H. GIZA, COUNCILMAN  
DONALD E. KWAK, COUNCILMAN  
JOHN T. MILLER, COUNCILMAN  
STANLEY JAY KEYSA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
RICHARD J. SHERWOOD, TOWN ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER  
THOMAS E. FOWLER, CHIEF OF POLICE  
NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY

BID OPENING SCHEDULED FOR 8:10 P.M.:

At 8:10 P.M., the Town Board considered sealed proposals for furnishing to the Town of Lancaster a refuse dumping site.

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN MILLER AND CARRIED, by unanimous voice vote, the time for receiving the aforesaid proposals was closed at 8:10 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

Proposals were received from the following bidders:

BIDDERS

1. C.I.D. Landfill, Inc.  
13029 Hand Road  
Chaffee, New York 14030-9799
2. Walt's Tree Service, Inc.  
69 Cemetery road  
Lancaster, New York 14086
3. Orleans Sanitary Landfill, Inc.  
11372 Main street  
Clarence, New York 14031
4. BFI Waste Systems  
2321 Kenmore Avenue, Box 9  
Kenmore, New York 14217

BID OPENING SCHEDULED FOR 8:10 P.M. CONT'D.:

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN MILLER AND CARRIED, by unanimous voice vote, the aforesaid proposals were ordered turned over to the Highway Superintendent for examination, tabulation and recommendation.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town  
Board, held on January 19, 1987, as presented by the Town Clerk, be and  
hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN MILLER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

February 2, 1987

File: R-MIN

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, Bry-Lin Hospitals, Inc. has located a facility in Alden,  
New York and desires to have its alarm system connected to the Police/Fire  
Dispatch Center of the Town of Lancaster, and

WHEREAS, the Town of Lancaster has a contractual obligation with the  
Town of Alden relative to fire dispatch services which will allow this  
connection;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster is hereby  
authorized to execute an agreement by and between the Town of Lancaster and  
Bry-Lin Hospitals, Inc. to provide the alarm system connection from the Bry-Lin  
facility to the Lancaster Police/Fire Dispatch Center.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR KEYSA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

WHEREAS, certain on-site modifications in the alterations of the  
Lancaster Town Hall, 21 Central Avenue, Lancaster, New York have resulted in  
the necessity of change orders, and

WHEREAS, Shelgren & Marzec, Architects, by letters dated  
January 15, 1987, have recommended such change orders be accepted by the  
Town of Lancaster, and said change orders are on file with the Town Clerk,

NOW, THEREFORE, BE IT

RSOLVED, that the Supervisor be and hereby is authorized an  
directed to execute the following change orders:

Frank C. Kellner Co., Inc.:

- |  |                        |
|--|------------------------|
| 1. re-route sprinkler main in basement to clear<br>new vault   | Add \$ 1,104.00        |
| 2. raise sprinkler mains in basement to be above<br>new suspended accoustical tile ceiling   | Add 2,588.00           |
| 3. relocate sprinkler main in Town Attorney's<br>Office and at southwest corner of Town Board<br>Room to better fit new suspended ceilings | Add 466.00             |
| 4. re-use existing concrete pads in boiler room<br>for new pump and boiler   | Deduct 1,155.00        |
| 5. omit strainers (4) & flow control valves (3)<br>and substitute 1 bronze strainer and 1 sweat<br>gate valve                              | Deduct 93.00           |
| 6. omit petcocks (24) at bottom of down-feed<br>convectors and add 1/2" unions (12)  | Deduct 13.00           |
| 7. omit changing 34 sprinkler heads  | Deduct <u>1,360.00</u> |

Net Total Add \$ 1,537.00  
Contract Amt. 141,600.00  
Adjusted Contract Amt. \$143,137.00

Everest, Inc.:

- |  |                     |
|--|---------------------|
| 1. add wainscot in Town Board room as shown on<br>Drawing No. 7    | Add \$ 3,435.00     |
| 2. add wainscot in Town Clerk's Dept. as shown<br>on Drawing No. 7 | Add <u>1,962.00</u> |

Net Total Add \$ 5,397.00  
Contract Amt. 283,422.00  
Adjusted Contract Amt. \$288,819.00

and,

BE IT FUTHER

RESOLVED, that each of the adjusted contract amounts, for Everest, Inc. and Frank C. Kellner Co., Inc., for the rehabilitation of Lancaster Town Offices, are subject to the following conditions:

- a) the aforementioned changes and the work affected thereby are subject to all contract stipulations and covenants,
- b) the rights of the Town of Lancaster are not prejudiced,
- c) all claims against the Town of Lancaster which are incidental to, or as a consequence of, the aforementioned changes are satisfied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

File: R-CHNG-ORD (Page 1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing and planting shade trees, and

WHEREAS, funds have been provided in the current 1987 General Town Budget for the 1987 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's 1987 Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That sealed bids be received by this Town Board up to 8:20 o'clock P.M., Local Time, on February 23, 1987, for meeting the requirements of the Town of Lancaster's 1987 Tree Planting Program and for supplying of trees in accordance with specifications on file in the Town Clerk's Office in the Town of Lancaster, New York, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN MILLER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

February 2, 1987

File: R-TREES (Page 1)

LEGAL NOTICE

TOWN OF LANCASTER  
NOTICE TO BIDDERS  
OR NURSERYMEN

NOTICE IS HEREBY GIVEN that sealed bids will be received by this Town Board up to 8:20 o'clock P.M., Local Time, on February 23, 1987, for meeting the requirements of the Town of Lancaster's Tree Planting Program and for the supplying of such required trees in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 149 Central Avenue, Lancaster, New York.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Hundred Fifty Dollars (\$250.00) conditioned that, if his proposal is accepted, he will enter into a contract for the same and that he will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

February 2, 1987

File: R-TREES (Page 2)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

WHEREAS, the Recreation Department of the Town of Lancaster will require certain recreation supplies for the operation of the Recreation Program during the year 1987, which may reasonably be expected to exceed the sum of \$5,000.00, and

WHEREAS, it is in the public interest that sealed bids for the purchase of such supplies be invited,

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders, in form attached hereto and made a part hereof, be published in the Lancaster Bee and be posted according to Law, that the Town Board will receive bids up to 8:10 o'clock P.M., Local Time, on February 23, 1987, for the purchase of recreation supplies for the Recreation Department of the Town of Lancaster in accordance with specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

LEGAL NOTICE

NOTICE TO BIDDERS

TOWN OF LANCASTER

SEALED BIDS will be received and publicly opened by the Town Board of the Town of Lancaster at 8:10 o'clock P.M., Local time, February 23, 1987, for the purchase of recreation supplies for the Recreation Department of the Town of Lancaster.

Specifications for such recreation supplies are on file with and may be obtained from the Town Clerk of the Town of Lancaster, 149 Central Avenue, Lancaster, New York.

The Town Board reserves the right to reject and or all bids and to waive any informalities.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: ROBERT P. THILL  
Town Clerk

February 2, 1987

File: R-B.O.-RECR (Page 2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN MILLER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has forwarded an Agreement to Spend Town Highway Funds for the Year 1987 for the repair of the highways recited therein, and

WHEREAS, the Town Board has previously discussed this Agreement with the Highway Superintendent, and

WHEREAS, State Law requires the Town Board to enter into an agreement with the Highway Superintendent for such expenditure of town highway funds on road repairs, and

WHEREAS, the Highway Superintendent proposes general repairs in the sum of \$346,235 and lists under Article 2 of the Agreement the specific improvements to several roads on which the expenditures, as listed, shall be no greater than the total sum of \$346,235.00;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Agreement to Spend Town Highway Funds as submitted by the Highway Superintendent for improvements on the roads as listed in said Agreement, which, as recited, shall not exceed the total sum of \$346,235.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

WHEREAS, Edward Hengerer has applied for a Dumping Permit for  
property situate at 70 Gunville Road, within the Town of Lancaster, pursuant  
to Chapter 22 of the Code of the Town of Lancaster, and

WHEREAS, the matter was referred by the Town Board to the Planning  
Board for review and recommendation, and

WHEREAS, the Planning Board has completed their review and made a  
formal recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that a Dumping Permit be issued by the Town Clerk of the  
Town of Lancaster to the applicant, Edward Hengerer, with the following  
condition being made a part of the Dumping Permit, and the permit being  
issued on such condition and upon the applicant signing an affirmation that  
he understands the condition as set forth in this resolution and in the  
permit, and that he will adhere to such condition as follows:

1. That the permit is approved for a period of one year for clean  
land fill.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

Claim No. 262 to Claim No. 430 Inclusive.

Total amount hereby authorized to be paid:

\$342,373.61

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

File: R-CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
CZAPLA , TO WIT:

RESOLVED, that the following Building Permit Applications be and  
are hereby approved and the Issuance of Building Permits be and are hereby  
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
16	Ferraina Const.	5813 Broadway	REMOD. SIN. DWLG
17	Marrano/Marc Equity	19 Shadyside La.	ER. SIN. DWLG
18	Donoto Concrete	1129 Penora St.	ER. SIN. DWLG, GARAGE
19	Music on the Move	5067 Transit Rd.	ER. SIGN
20	Wymar Builders	1288 Penora St.	ER. SIN. DWLG

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

File: R-BLDG

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by  
letter dated February 2, 1987, has requested the confirmation of one new  
member duly elected to the membership of the Bowmansville Volunteer Fire  
Association, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby  
confirms the addition to the membership of the Bowmansville Volunteer Fire  
Association, Inc. of the following individual:

PROBATIONARY ACTIVE MEMBER

Donald F. Wegst, Jr.  
48 Deerpath Drive  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

Councilman Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.--

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
MILLER , TO WIT:

WHEREAS, RICHARD L. CHURCH, 3732 Bowen Road, Lancaster, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of certain property located on the east side of Cemetery Road, approximately 520.94 feet north of Nichter Road, from an SA-Suburban Agricultural District to a C-2 General Commercial District, and

WHEREAS, this Petition was referred to the Planning Board of the Town of Lancaster for review and recommendation, and

WHEREAS, a Public Hearing on this petition for proposed rezone was held by the Town Board of the Town of Lancaster on the 6th day of October, 1986, pursuant to public notice duly published and posted, and

WHEREAS, full opportunity to be heard was given to all parties in interest, and

WHEREAS, a review of the petition and report of the Planning Board, Planning Consultant and Erie County Department of Planning, and the evidence adduced at the said Public Hearing and the Master Plan and Zoning Map of the Town of Lancaster, reveals the following facts:

1. That the proposed rezone of subject premises as a C2-General Commercial District Use is to a use which is not presently provided for the rear 400+ feet of the subject premises.
2. That the Zoning Ordinance of the Town of Lancaster was adopted on May 24, 1961 by the Town Board of the Town of Lancaster.
3. That the area in which the premises is located is a transition area between an SA-Suburban Agricultural District and an M1-Light Industrial District, with the light industrial zoning on the east side of Cemetery Road across from the intersection with Nichter Road and also on the west side of Cemetery Road approximately 800 feet north of the intersection with Nichter Road.



4. That this parcel to a depth of 300 feet was granted a use variance by the Zoning Board of Appeals based upon economic hardship.
5. That the Petitioner is on notice, by virtue of the Zoning Ordinance being a public record, that there are areas designated in the Zoning Ordinance and Zoning Map, which are presently zoned to accommodate the Petitioner's proposed use.
6. That since 1980 strip residential development has occurred in the vicinity of this premises on Nichter Road and Cemetery Road, and that the residents of these single-family dwellings have had constructive notice by virtue of the Zoning Ordinance and Zoning Map of the Town of Lancaster, which is a public record, that the area aforementioned to the west of Cemetery Road and on the east side of Cemetery Road approximately 800 feet north from the intersection of Nichter Road, is zoned M1-Light Industrial.
7. That in 1980 the Town Board of the Town of Lancaster granted a provisional rezone to the then owner of the premises, James DeLacy, to a C2-General Commercial District with the intention and purpose of creating a buffer between the residential use in the Nichter/Cemetery Road area and the light industrial district to the north and west of that intersection.
8. That the property to the north of subject premises was also rezoned to a provisional C2 and has since had a single-family dwelling built on it. The property to the south of subject premises is zoned R2-General Residential District, which permits multiple dwellings to be constructed thereon.
9. The topography of the area from Nichter Road north to the M1-Zong on the east side of Cemetery Road is generally flat and this M1 property is highly visible from the residential area on Nichter Road.
10. That due to the transitional nature of this area between SA-Suburban Agricultural, which allows residential development, and M1 which permits light industrial development, there is a need for a buffer zone to insulate the residential property owners from the industrial district to the north and west, and that allowing a C2-General Commercial Use with proper conditions will provide a buffer effect, which benefits the residential owners in the Cemetery/Nichter Road area.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed from an SA-Suburban Agricultural District to a C2-General Commercial District, based upon certain conditions precedent as described hereinafter having been complied with by the property owner before the rezone shall be effective, which conditions are as follows:

1. Along the south line of the property from its intersection with Cemetery Road to a depth of 769.86 feet, a berm be built with earth to a height of 3 feet over the existing grade and said berm to be at least 3 feet wide.
2. That the berm be covered with topsoil and seeded;
3. That a natural wood fence at least 4 feet high, colored in earth-tone brown, with wind opening, and as approved by the Town Board, be placed on top of the berm.
4. That the fence so placed on the berm be additionally screened the entire length of the property by plantings of arbor vitae at least 4 feet tall at time of planting and spaced at 5-ft. intervals to provide additional natural screening.
5. That only three additional buildings will be permitted on this property and shall be no larger than the present warehouse building on the premises, and shall be colored earth tones on both the walls and roof.
6. All parking area to be paved as approved by the Town Board.
7. No building permits to be issued until such time as the property owner has complied with the conditions herein.

and

UPON MOTION BY COUNCILMAN KWAK, SECONDED BY COUNCILMAN MILLER, Condition No. 1 is deleted and in place thereof the following condition substituted:

- "1. That shrubbery as required by the use variance previously granted by the Zoning Board of Appeals for a portion of the premises be placed on the south property line from the point of front yard setback to a point 80 feet east of the rear of the existing southerly building, and that an earth berm commence at that aforementioned point where the shrubbery ends, built to a height of 3 feet over the existing grade and said berm to be at least 3 feet wide and the earth berm shall extend parallel with the south line of the premises to the intersection of the south line with the rear property line."

and

UPON MOTION BY COUNCILMAN KWAK, SECONDED BY COUNCILMAN MILLER, the conditions are further amended by adding Condition No. 8, to wit:

"8. A swale shall be constructed on the south side of the earth wholly on the subject premises, the entire length of said berm for purposes of drainage"; and

UPON MOTION BY COUNCILMAN KWAK, SECONDED BY COUNCILMAN MILLER, Condition No. 5 is amended by deleting ". . . and shall be no larger than the present warehouse building on the premises . . ." and by adding in place thereof ". . and shall be no larger than 96 feet in length and the width to be no greater than the existing northerly building . . ."; and

UPON MOTION duly made and seconded and after roll call vote, the foregoing three amendments were unanimously approved; and

UPON MOTION BY COUNCILMAN CZAPLA, SECONDED BY COUNCILMAN MILLER, the conditions are further amended by the addition of Condition No. 9, to wit:

"9. The property owner of the subject premises shall be responsible for maintenance and cleaning of the swale required on the south side of the berm to provide for proper drainage and to insure no drainage problems on the property contiguous to the south of the subject premises"; and

UPON MOTION duly made and seconded and after roll call vote, the foregoing amendment was unanimously approved;

The property to be rezoned is located on the east side of Cemetery Road approximately 520.94 feet north from the centerline of Nichter Road, and is further described as:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 4, Township 11, Range 6, of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Cemetery Road, Sixty-six (66) feet wide, two hundred (200) feet south of the southwest corner of lands conveyed to Kintex Inc. by deed recorded in the Erie County Clerk's Office in Liber 8066 of Deeds at page 27, said point being six hundred seventy and seventy-six hundredths (670.76) feet south of the northwest corner of said Lot No. 12, Section 4, Township 11, Range 6; running thence southerly along the centerline of Cemetery Road, two hundred (200) feet to a point; then easterly parallel with the south line of lands conveyed to Kintex, Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet; thence northerly two hundred (200) feet to a point, two hundred (200) feet south of the south line of lands conveyed to Kintex, Inc. by aforesaid deed; thence westerly parallel with and two hundred (200) feet south of the south line of lands conveyed to Kintex, Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet to the centerline of Cemetery Road at the point of beginning.

The question of the adoption of the foregoing resolution as amended was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
 COUNCILMAN GIZA VOTED YES  
 COUNCILMAN KWAK VOTED YES  
 COUNCILMAN MILLER VOTED YES  
 SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO  
ZONING ORDINANCE  
TOWN OF LANCASTER

The Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed to that the real property hereinafter described is changed from an SA-Suburban Agricultural District to a C2-General Commercial District:

The property to be rezoned is located on the east side of Cemetery Road approximately 520.94 feet north from the center line of Nichter Road and is further described as:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 4, Township 11, Range 6, of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Cemetery Road, Sixty-six (66) feet wide, two hundred (200) feet south of the southwest corner of lands conveyed to Kintex, Inc. by deed recorded in the Erie County Clerk's Office in Liber 8066 of Deeds at page 27, said point being six hundred seventy and seventy-six hundredths (670.76) feet south of the northwest corner of said Lot No. 12, Section 4, Township 11, Range 6; running thence southerly along the center line of Cemetery Road, two hundred (200) feet to a point; then easterly parallel with the south line of lands conveyed to Kintex, Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet; thence northerly two hundred (200) feet to a point, two hundred (200) feet south of the south line of lands conveyed to Kintex, Inc. by aforesaid deed; thence westerly parallel with and two hundred (200) feet south of the south line of lands conveyed to Kintex, Inc. by aforesaid deed, seven hundred sixty-nine and eighty-six hundredths (769.86) feet to the center line of Cemetery Road at the point of beginning.

and based upon certain conditions precedent as described hereinafter, having been complied with by the property owner before the rezone shall become effective, which conditions are as follows:

1. That shrubbery as required by the use variance previously granted by the Zoning Board of Appeals for a portion of the premises be placed on the south property line from the point of front yard setback to a point 80 feet east of the rear of the existing southerly building, and that an earth berm commence at that aforementioned point where the shrubbery ends, built to a height of 3 feet over the existing grade and said berm to be at least 3 feet wide and the earth berm shall extend parallel with the south line of the premises to the intersection of the south line with the rear property line.

2. That the berm be covered with topsoil and seeded;
3. That a natural wood fence at least four (4) feet high, colored in earth-tone brown, with wind opening and as approved by the Town Board, be placed on top of the berm;
4. That the fence so placed on the berm be additionally screened the entire length of the property by plantings of arbor vitae at least four (4) feet tall at the time of planting and spaced at 5-ft. intervals to provide additional natural screening;
5. That only three (3) additional buildings will be permitted on this property and shall be no larger than ninety-six (96) feet in length and the width to be no greater than the existing northerly building on the premises, and shall be colored earth tones on both the walls and roof;
6. All parking area to be paved as approved by the Town Board;
7. No building permits to be issued until such time as the property owner has complied with the conditions herein;
8. A swale shall be constructed on the south side of the earth berm wholly on the subject premises, the entire length of said berm for purposes of drainage; and
9. The property owner of the subject premises shall be responsible for maintenance and cleaning of the swale required on the south side of the berm to provide for proper drainage and to insure no drainage problems on the property contiguous to the south of the subject premises.

February 2, 1987

STATE OF NEW YORK:  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER:

This is to certify that I, ROBERT P. THILL, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of AMENDMENT TO ZONING ORDINANCE with the original thereof filed in my office at Lancaster, New York, on the 2nd day of February, 1987, and that the same is a true and correct copy of said ordinal, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 2nd day of February, 1987.

\_\_\_\_\_  
Town Clerk and Registrar of Vital Statistics

Councilman Czaplá requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA, TO WIT:

WHEREAS, the Chief of Police, by memorandum dated January 23, 1987, has informed the Town Board that he has received delivery of four (4) new police vehicles and requested authorization to dispose of four (4) trade in vehicles,

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police of the Town of Lancaster be and is hereby authorized to dispose of used police vehicles as follows:

- a) 1986 Plymouth Four Door Sedan - VIN 1P3B26S3GX602500 - to be transferred to the Building Inspector for use by the Building Department
- b) 1981 Dodge Four Door Sedan - VIN 1B3BR47NXBA119714 - to be traded to Mid City Dodge for \$1,100.00
- c) 1985 Dodge Four Door Sedan - VIN 1B3BG26S8FX625241 - to be traded to Mid City Dodge for \$1,800.00
- d) 1985 Dodge Four Door Sedan - VIN 1B3BG26SXF625242 - to be traded to Mid City Dodge for \$1,500.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES  
COUNCILMAN GIZA VOTED YES  
COUNCILMAN KWAK VOTED YES  
COUNCILMAN MILLER VOTED YES  
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

February 2, 1987

File: SUSPENDED-R (Page 2)

STATUS REPORT ON UNFINISHED BUSINESS:

1. Dumping Permit - Eric Hengerer  
On February 2, 1987, the Town Board approved this permit for one year. The Town Clerk was directed to remove this item from future Town Board agendas and report to the Town Board.
2. Dumping Permit - Keith A. Wilkinson  
On September 11, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
3. Public Improvement Permit Authorization - Country View East Subdivision, Phase I (Marrano/Marc Equity).  
The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1987.
4. Public Improvement Permit Authorization - Country View East Subdivision, Phase II (Marrano/Marc Equity).  
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
5. Public Improvement Permit Authorization - Country View East Subdivision, Phase III (Marrano/Marc Equity).  
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
6. Public Improvement Permit Authorization - Heritage Hills Subdivision  
The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
7. Public Improvement Permit Authorization - Lancaster Industrial Commerce Center  
The Town Board authorized issuance of P.I.P. No. 79 (water main) and No. 80, (retention basin) on June 6, 1983.
8. Rezone Petition - Richard L. Church  
October 6, 1986, the Town Board held a public hearing on this matter and reserved decision. On February 2, 1987, the Town Board approved this rezone with conditions. The Town Clerk was directed to remove this item from future Town Board agendas and report to the Town Board.
9. Rezone Petition - Josela Enterprises, Inc.  
On June 2, 1986, this petition was referred to the Planning Board for review and recommendation.
10. Rezone Petition - Salvatore and Elinore Oddo  
On January 19, 1987, this petition was referred to the Planning Board for review and recommendation.
11. Rezone Petition - George Stephen  
On August 11, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision.
12. Rezone Petition - Frank and Sandra Surianello  
On February 2, 1987, this petition was referred to the Planning Board for review and recommendation.



STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

13. Subdivision Approval - Meadowland (Bosse)  
On November 6, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report.
14. Subdivision Approval - "The Meadows" Subdivision (Giallanza)  
On July 7, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report. On September 3, 1986, the Planning Board recommended to the Town Board approval of this proposed subdivision. On September 26, 1986, the Planning Board rescinded their recommendation for approval of the preliminary plot previously adopted on September 3, 1986.
15. Traffic Study - Intersection, Genesee Street and Ransom Road  
On December 1, 1986, the Town Board petitioned the NYSDOT for a lower speed limit in this area.
16. Traffic Study - Speed Reduction, Pavement Road, Broadway North to Walden Avenue  
On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.
17. Traffic Study - Speed Reduction, Ransom Road, Broadway North to Genesee Street  
On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.
18. Zoning Ordinance and Map Update  
On June 15, 1983, Consultant Richard Brox conveyed a draft to the Town Board and Planning Board. Numerous joint sessions have been held to resolve areas of concern. SEQR review, on the ordinance only, was held on July 18, 1984. The proposed map has not been subjected to SEQR review.

PERSONS ADDRESSING THE TOWN BOARD:

Charles Wood, Public Relations Manager for National Fuel Gas, explained to the Town Board a Canadian Gas Pipeline Project which will pass through some areas within the Town of Lancaster.

Richard DeGraff, 82 Wilma Drive, asked how rates were set and regulated for Jones Intercable.

Marge Orsolits, 86 Simme Road, asked the Town Board to support a speed limit on Town Line Road, from Broadway south to Clinton Street.

COMMUNICATIONS:DISPOSITION

63. Cheektowaga Town Clerk to Town Clerk - Notice of public hearing to be held 2/2/87 on rezone application for Jessica Lane at Transit Rd.	R & F
64. Building Inspector to Town Board - Request partition between offices re: Town Hall renovation.	BLDG. COMMITTEE
65. C.I.D. Refuse Service to Town Clerk - Request being on bidders list for waste removal.	R & F
66. Assessor to Town Board - Request for private area.	R & F
67. Marrano Development Corp. to Town Board - Transmittal of site plan for Eastwood Village Townhomes.	R & F
68. Shelgren and Marzec to Everest, Inc. - Change order re: Town Hall Rehab. Project, General Contract.	TOWN CLERK FOR SIGNA. OF CONTRACTOR
69. Shelgren and Marzec to Frank C. Kellner Co. - Change order re: Town Hall Rehab. Project, HSVP Contract.	TOWN CLERK
70. Supervisor to County Comm. of Finance - Request extension of time to collect taxes remaining unpaid to 6/30/87.	R & F
71. N.Y.S. Board of Equalization and Assessment to Supervisor - Certificate of Final State Equalization Rate for 1986 Assessment Roll.	R & F
72. Belmont Shelter Corp. to Supervisor - Brochure entitled "A Whole Spectrum of Housing Resources".	R & F
73. Village of LeRoy to Supervisor - Comments and notice of Aid to Localities Budget Hearing to be held 1/27/87 in Albany.	R & F
74. National Fuel to Supervisor - Confirmation of presentation to Town Board on 2/2/87.	R & F
75. N.Y.S. Dept. of Environmental Conservation to County Dept. of Environment and Planning - Results of completion inspection re: sewer rehab project.	R & F
76. Building Inspector to Town Board - 1986 Annual Report.	R & F
77. Assessor to Stoneybrook Associates - Result of assessment review.	R & F
78. Sen. Volker to Town Clerk - Acknowledgement of receipt of resolution re: conservation officers.	R & F
79. Police Chief to Town Board - Notice of transfer of police vehicle to Building Inspector with request that three police cars be traded in.	TOWN CLERK FOR SUSPENDED RESOLUTION

COMMUNICATIONS CONT'D.:Page 89  
DISPOSITION

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|---|------------------------------|
| 80. Town Clerk to Dept. of Audit and Control -<br>Transmittal of "Notices of Tort Claims for<br>the Fiscal Year Ending 1986."   | R & F                        |
| 81. Youth Bureau Ex. Dir. to Town Board -<br>Transmittal of 1986 program statistical report<br>for Youth Bureau and Drug Abuse Prevention<br>Council.                                   | R & F                        |
| 82. Sen. Volker to Town Clerk -<br>Acknowledgement of receipt of resolutions re:<br>revenue sharing and municipal tort liability.   | R & F                        |
| 83. Town Clerk to Town Board -<br>Map Index composed on word processor.   | R & F<br>WITH THANKS         |
| 84. Town Engineers to Town Board -<br>Recommendation of acceptance of Eastwood<br>Village plot plan.  | R & F                        |
| 85. Recreation Commission to Town Board -<br>Minutes from meeting held 1/14/87.   | R & F                        |
| 86. Town Clerk to Zoning Board Members, Building<br>Inspector and Dep. Town Attorney -<br>Legal Notice setting public hearing on 2/11/87<br>re: variance petition of M/M Mark Esposito. | R & F                        |
| 87. Planning Board to Town Board -<br>Minutes from meeting held 1/21/87.  | R & F                        |
| 88. Planning Board to Town Board -<br>Recommendation to grant Edw. Hengerer Dumping<br>Permit for period of one year.   | R & F                        |
| 89. Planning Board to Town Board -<br>Recommendation to approve "Townhouse for Sale"<br>site plan.  | R & F                        |
| 90. Planning Board to Town Board -<br>Recommendation to deny Dumping Permit to Keith<br>Wilkinson.  | BLDG. INSPECTOR              |
| 91. Planning Board to Town Board -<br>Request authorization to have Chairman attend<br>N.Y.S. Assoc. of Towns meeting 2/15-18/87.   | R & F                        |
| 92. Richard F. Brox to Supervisor -<br>Disclosure of Interest.  | TOWN ATTORNEY                |
| 93. Town Justices to Supervisor -<br>Request permission to lease Xerox machine.   | SUPERVISOR                   |
| 94. Town Engineers to Town Board -<br>Transmittal of spare parts list recommended<br>by Davco Co. for Iroquois Pumping Station.   | ENGINEER FOR CHANGE<br>ORDER |
| 95. Town Engineers to Town Board -<br>Price quotation for preparation of design<br>plans and specs for Enterprise Dr. waterline.  | TOWN ATTORNEY                |
| 96. Association of Towns to Supervisor -<br>Notice of receipt of dues payment.  | R & F                        |
| 97. County Dept. of Emergency Services to Supervisor -<br>Transmittal of memo re: Oil Spill Debris<br>Policy dated 12/2/86.   | R & F                        |
| 98. County Div. of Highways to Supervisor -<br>Recommendations re: bridge postings.   | TOWN ATTORNEY                |
| 99. Police Chief to Supervisor -<br>Request payment of four 1987 police vehicles.   | R & F                        |

The Supervisor requested a suspension of the necessary rule for immediate consideration of the following communication -  
SUSPENSION GRANTED.

100. Bowmansville V.F.A. to Town Clerk -  
Recommendation of new member to active  
roster.

R & F

ADJOURNMENT:

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:15 P.M. out of respect to:

ALFRED STAHL ✓

EUGENIA MURAWSKI ✓

JOSEPH DERKOVITZ ✓

SIGMUND MENCLEWICZ ✓

Robert P. Thill  
Robert P. Thill, Town Clerk